

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**ADRIAN HOLDEN, #1484846,**

Petitioner,

v.

**WILLIAMS STEPHENS, Director, Texas  
Dept. of Criminal Justice, Correctional  
Institutions Division,**

Respondent.

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Civil Action No. **3:14-CV-70-L-BN**

**ORDER**

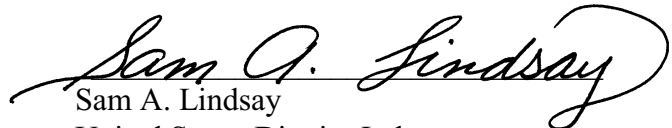
Before the court is Petitioner Adrian Holden's ("Petitioner") Motion for Extension of Time to Apply for In Forma Pauperis on Appeal (Doc. 23), filed January 5, 2015; and Motion for Leave to Proceed In Forma Pauperis on Appeal (Doc. 24), filed January 6, 2015. The case was referred to Magistrate Judge David L. Horan, who entered Findings, Conclusions and Recommendation of the United States Magistrate Judge on January 9, 2015, recommending that the court grant Petitioner's motion for extension of time, deny his motion for leave to proceed *in forma pauperis* on appeal, and certify, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal in this matter by Petitioner would not be taken in good faith.

After receiving an extension of time to do so, Petitioner filed his Objection to Findings, Conclusion, and Recommendation of the United States Magistrate Judge (Doc. 29), filed March 30, 2015. Petitioner essentially reasserts the arguments rejected by the magistrate judge's previous Findings, Conclusions, and Recommendation (Doc. 16), filed September 16, 2014, which this court accepted on October 31, 2014. Accordingly, the court **overrules** Petitioner's objections.

After reviewing the pleadings, record in this case, applicable law, and the Report, the court determines that the findings and conclusions are correct and **accepts** them as those of the court, **grants** Petitioner's Motion for Extension of Time to Apply for In Forma Pauperis on Appeal, and **denies** Petitioner's Motion for Leave to Proceed In Forma Pauperis on Appeal.

The court prospectively **certifies** that any appeal of this action would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. 24(a)(3). In support of this certification, the court **accepts and incorporates** by reference the Findings, Conclusions and Recommendation of the United States Magistrate Judge ("Report") and the court's order accepting the Report. *See Baugh v. Taylor*, 117 F.3d 197, 202 and n.21 (5th Cir. 1997). Based on the foregoing orders, the court concludes that any appeal of this action would present no legal point of arguable merit and would therefore be frivolous. *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983).

**It is so ordered** this 4th day of June, 2015.

  
Sam A. Lindsay  
United States District Judge